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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,225	07/10/2002	Inge Henning Jenssen	032292-030	2583

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EXAMINER

LOFDAHL, JORDAN M

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/089,225

Applicant(s)

HENNING, INGE JENSSEN

Examiner

Jordan M Lofdahl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/10/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claim 12, the phrase "a tight-walled material" is not disclosed in the specification and is read as new matter.

***Claim Rejections - 35 USC § 103***

Claims 1, 2, 7, 9, 10, 12-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (772360).

As to claim 1, Jensen discloses a device comprising a fish bag (1) equipped at both ends with bag rings (2 and 7); and a second netting (read as the netting outside the rings (2 and 7)) with a purse line (5 and 8). Not disclosed are purse lines. It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to comprise the second netting with purse lines, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

As to claim 2, disclosed is a tubular webbing material (fig. 1).

As to claim 7, disclosed is a device comprising a tubular webbing material (1) having bag rings (2 and 7) at both ends; outside of the bag rings and at each end of the tube is a second open netting (read as the netting outside the rings (2 and 7)) equipped with a purse line (5 and 8). Not disclosed are purse lines. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the second netting with purse lines, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

As to claims 9 and 18, disclosed are towing lines (13) at the end of the bag.

As to claims 10 and 19, disclosed is a brace (3). The hoop (3) is read as being capable of bracing the net in a tubular shape.

As to claim 12, disclosed is a tight walled material.

As to claim 13, disclosed is a flexible material.

As to claim 14, Jensen discloses a device comprising a tubular bag formed of webbing material (1) equipped at both ends with bag rings (2 and 7); and a netting (read as the netting outside the rings (2 and 7)) with a purse line (5 and 8) disposed at the end of the netting. Not disclosed is a second purse line. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the netting with a second purse line, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. Not disclosed is the first purse line disposed at the transition between said netting and webbing material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to dispose the first purse line at the transition between said netting and webbing material, since it has been held that rearranging parts of an invention involves only routine skill in the art.

As to claim 15, disclosed is the second purse line capable of being completely closed during transport.

As to claim 16, disclosed is the second netting capable of being funnel shaped (fig. 1).

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (772360) and further in view of Ebata (4044432).

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As to claims 8 and 17, not disclosed are plurality of bags. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the device with a plurality of bags, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. Not disclosed are the plurality of bags coupled together by locking rings located at the site of the bag rings. Ebata, however discloses a plurality of nets connected together. In the absence of any stated problems solved by or any stated advantage obtained by having a locking ring as claimed in the instant invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to comprise the device, as modified, of Jensens with locking rings. Further such modification is merely an alternate equivalent locking means performing the same intended function.

Claims 11 and 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (772360) and further in view of Salmon (3509848).

As to claims 11 and 20, not disclosed is a first netting over the fish bag. Salmon, however, discloses a netting (22) surrounding a bag (12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to comprise the device of Jensen with the netting of Salmon to create a more secure means to tow the bag.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M Lofdahl whose telephone number is 703.605.1217. The examiner can normally be reached on 6-2:30 M-F.

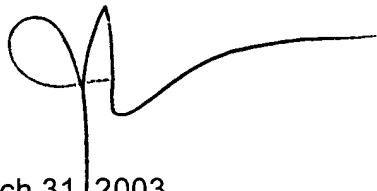
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T Jordan can be reached on 703.306.4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is

703.306.4180.

jml  
March 31, 2003



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